

Message Text

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ACTION VO-03

INFO OCT-01 PPTE-00 SCA-01 ISO-00 /005 W

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R 031635Z AUG 76

FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC 4115

UNCLAS TEGUCIGALPA 3754

E.O. 11652: N/A

TAGS: CVIS, HO

SUBJ: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION 101(B)(1)(B)

REF: STATE 188437

1. TEGUCIGALPA OFFERS FOLLOWING COMMENTS IN REPLY TO
PARAGRAPHS 4-8 OF REFTEL.

2. POST ESTIMATES APPROX. 150 SUCH CASES ADJUDICATED
HERE ANNUALLY, AT LEAST ANOTHER 150 ILLEGITIMATE CHILDREN
ARE DENIED REGISTRATION ON APPLICATION BY NATURAL FA-
THERS WHERE NO "STEPMOTHER" CLAIM EXISTS.

3. ADJUDICATION GENERALLY RESTS ON ESTABLISHMENT OF BONA
FIDE PREEXISTING FAMILY RELATIONSHIP AS IN "NATION" VS
ESPERDY (22 CFR 42.1NOTE 2.3). QUESTION OF PATERNITY
SELDOM ARISES AS ILLEGITIMATE CHILDREN ALMOST ALWAYS WERE
RECOGNIZED (RECONOCIDO) AT BIRTH OR SHORTLY THERE-
AFTER BY NATURAL FATHER. IF NO TIMELY RECOGNITION WAS
MADE BY FATHER CASE REFUSED OUT OF HAND.

4. FRAUD IDENTIFIED IN ROUGHLY 20 PERCENT OF STEPCHILD
CASES HOWEVER FRAUD GENERALLY LIES IN FALSE CLAIMS BY
"STEPMOTHER" TO A PREEXISTING FAMILY UNIT. CASES IN
WHICH PATERNITY OF CHILD IS QUESTIONED ARE INVARIABLY
REFUSED AND AMOUNT TO LESS THAN 5 PERCENT OF TOTAL.

5. DESPITE ARTICLE 112 OF THE HONDURAN CONSTITUTION OF
1965, WHICH ABOLISHED ALL DIFFERENCES BETWEEN LEGITIMATE
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AND ILLEGITIMATE CHILDREN, IN PRACTICE THE PROVISIONS

OF THE CIVIL CODE OF 1906 ARE STILL FOLLOWED. LEGAL DISTINCTIONS ARE MADE THEREIN BETWEEN LEGITIMATE, RECOGNIZED, AND ILLEGITIMATE CHILDREN. LEGITIMATION OCCURS SOLELY THROUGH CIVIL MARRIAGE OF THE NATURAL PARENTS. PROCEDURES ARE ESTABLISHED IN TITLE XIV OF THE CODE FOR RECOGNITION (RECONOCIMIENTO) OF A NATURAL CHILD BY ITS NATURAL FATHER EITHER ADMINISTRATIVELY OR JUDICIALLY. RECOGNITION IS SIMPLE AND CAN BE ACCOMPLISHED FROM TIME OF BIRTH REGISTRATION UP UNTIL CHILD REACHES TWENTY-ONE. IN ABSENCE OF OPPOSITION BY CHILD OR CHILD'S MOTHER, STATEMENT BY FATHER TO CIVIL REGISTRAR OR CIVIL COURT IS SUFFICIENT. IF OPPOSITION EXISTS A CIVIL COURT CAN STILL ORDER RECOGNITION. IN ABSENCE OF ACT OF RECOGNITION BY NATURAL FATHER, COURT CAN REQUIRE RECOGNITION ON MOTION BY CHILD WITH GOOD AND SUFFICIENT EVIDENCE.

6. IN HONDURAS NATURAL FATHERS COMMONLY DO MAKE TIMELY RECOGNITION OF THEIR CHILDREN, AND ALSO ARE USUALLY IDENTIFIED IN SECONDARY EVIDENCE SUCH AS BAPTISMAL RECORDS. GREATEST OPPORTUNITY FOR FRAUD WOULD OCCUR WITH DELAYED ALLEGATIONS OF PATERNITY. SUCH CASES, RELATIVELY FEW AT PRESENT, ARE ALMOST ALWAYS FRAUDULENT AND TURNED DOWN. BOTH ADMINISTRATIVE AND JUDICIAL PROCEDURES HERE ARE TOO OPEN TO FRAUDULENT MANIPULATION, IF DONE SUBSEQUENT TO BIRTH, TO BE RELIED ON AS PROOF OF PATERNITY. EMBASSY BELIEVES THAT ONLY TIMELY RECOGNITION IN PRIMARY AND SECONDARY BIRTH RECORDS SHOULD BE REGULARLY ACCEPTED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TEGUCI03754
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760299-0916
From: TEGUCIGALPA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760890/aaaadbhl.tel
Line Count: 90
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION VO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 188437
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 14 DEC 2004
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <02 Apr 2004 by morefirh, INA>; RELEASED <14 DEC 2004 by SmithRJ>; APPROVED <14 DEC 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION 101(B)(1)(B)
TAGS: CVIS, HO
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006